

Message Text

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ACTION EA-14

INFO OCT-01 ISO-00 H-03 CIAE-00 INR-10 NSAE-00 RSC-01

DRC-01 /030 W

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FM AMEMBASSY TAIPEI

TO SECSTATE WASHDC 1764

C O N F I D E N T I A L TAIPEI 2997

E.O. 11652: GDS

TAGS: OR, TW

SUBJECT: CONGRESSIONAL INQUIRY RE WU LI-SHENG

REF: A. STATE 092511; B. STATE 248078

1. WE CONTINUE TO BELIEVE USG SHOULD NOT OFFICIALLY INVOLVE ITSELF IN THIS AND SIMILAR CASES. OUR EXPERIENCE OVER THE YEARS-- EXEMPLIFIED IN RECENT CASES OF CHEN YU-HSI AND HENRY KUO HSIN-SHENG-- HAS BEEN THAT EMBASSY INQUIRIES DO NOT LEAD TO RELEASE FROM PRISON OR ISSUANCE OF EXIT PERMIT. WHETHER SUCH INQUIRIES LEAD TO AMELIORATION OF TREATMENT IS A MATTER WE HAVE NOT BEEN ABLE TO ESTABLISH.

2. MORE BASIC QUESTION, HOWEVER, IS APPROPRIATENESS OF OFFICIAL INQUIRIES WITH RESPECT TO ROC CITIZEN WHO IS FULLY SUBJECT TO ROC LAWS AND JUDICIAL TREATMENT, HOWEVER REPUGNANT SUCH LAWS AND PRACTICES MAY BE IN TERMS OF OUR OWN CONSTITUTION AND LEGAL SYSTEM.

3. IN THIS PARTICULAR CASE, REF A SEEMS TO INDICATE AMNESTY INTERNATIONAL MAY BE INTERESTED IN DOCUMENTING WHETHER ROC SEDITION LAWS CAN BE RETROACTIVELY APPLIED. THE ANSWER IS, YES. MOREOVER, THERE IS NO STATUTE OF LIMITATIONS WITH RESPECT TO SEDITION IN ROC. AMNESTY INTERNATIONAL MIGHT WISH TO REVIEW THESE FACTS THROUGH DIS-

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CUSSION WITH LAWYERS HERE OR CONSULTATION WITH AMERICAN

AND OTHER SCHOLARS OF COMPARATIVE LAW.

4. RECOMMENDATION: WE BELIEVE IT WOULD BE WISE FOR EMBASSY NOT TO GO BEYOND INFORMING MOFA THAT SENATOR FULBRIGHT IS INTERESTED IN THE CASE OF WU LI-SHENG AND WOULD APPRECIATE RECEIVING A REPORT ON WU'S WHEREABOUTS AND LEGAL STATUS. ADDITIONALLY, WE WOULD SUGGEST DEPT INFORM SENATOR FRANKLY THAT WHERE ROC CITIZEN HAS BEN IMPRISONED UNDER ROC LAWS, USG FEELS OBLIGED TO LIMIT ITSELF TO INFORMING ROC OF THE INQUIRY-- AND THAT SUCH INQUIRIES SEEM IN PAST TO HAVE HAD LITTLE EFFECT ON STATUS OF THE CASE.
UNGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: WELFARE & WHEREABOUTS, LEGISLATIVE MAIL, ARRESTS
Control Number: n/a
Copy: SINGLE
Draft Date: 13 MAY 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GarlanWA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974TAIPEI02997
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740116-0546
From: TAIPEI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740551/aaaabtnw.tel
Line Count: 74
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: A. STATE 092511; B. STATE 248078
Review Action: RELEASED, APPROVED
Review Authority: GarlanWA
Review Comment: n/a
Review Content Flags:
Review Date: 12 AUG 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <12-Aug-2002 by rowelle0>; APPROVED <13 FEB 2003 by GarlanWA>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CONGRESSIONAL INQUIRY RE WU LI-SHENG
TAGS: PFOR, TW, US, (WU LI-SHENG), (FULBRIGHT)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005